

1 THE HONORABLE BARBARA J. ROTHSTEIN

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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 IN RE Phenylpropanolamine (PPA) Products)
11 Liability Litigation)

No. MDL 1407

12 -----)
13 This document relates to:)

14 *All actions*)
15

SUPPLEMENTAL ORDER RE USE OF
CASE MANAGEMENT ELECTRONIC
CASE FILING SYSTEM AND SERVICE
OF PLEADINGS

16 On October 30, 2003, the Court entered an order entitled "Order Regarding Use Of
17 Case Management/Electronic Case Filing System" ("the October 30 Order"). Since the
18 entry of the October 30 Order, there has been some dispute regarding whether the use of
19 this electronic filing system eliminates the need to serve opposing counsel with hard
20 copies of pleadings. This Order is intended to end any dispute in that regard.

21 1. The Court still expects that counsel will file all pleadings with the Court using
22 the Electronic Case Filing System, and that all counsel will comply with the terms of the
23 October 30 Order. Counsel are expected to file pleadings electronically because doing so
24 streamlines the filing and administrative burdens on the Court, and makes the PPA MDL
25 operate more efficiently.
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SUPPLEMENTAL ORDER RE USE OF ELECTRONIC
FILING AND SERVICE OF PLEADINGS - 1

Case No. MDL 1407

019186.0028/957081v]

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1 2. Filing pleadings electronically does not, however, satisfy service requirements
2 on opposing counsel. Despite filing a pleading using the Electronic Case Filing System,
3 counsel are still required to serve hard copies of pleadings on all parties. Therefore,
4 counsel are expected to follow the procedure set forth below when filing pleadings with
5 the Court and serving those pleadings on all parties:

6 a. Counsel will file all pleadings with the Court using the Electronic Case Filing
7 System. All counsel will comply with the terms of the October 30 Order.

8 b. Counsel will still serve hard copies of pleadings on all parties to their particular
9 cases. Plaintiffs will also serve hard copies of plaintiffs' fact sheets on opposing
10 counsel and defense co-liaison counsel Douglas Hofmann.

11 c. If there are multiple law firms representing a party, service of a hard copy of a
12 pleading, plaintiffs' fact sheet and plaintiffs' warning letter can be made on any
13 firm representing that party, unless that party requests in writing (or by e-mail) that
14 opposing parties serve pleadings, plaintiffs' fact sheet and plaintiffs' warning letter
15 on a particular designated law firm ("designated law firm"). Such requests must
16 be sent to all other local counsel of record or whoever signed the original
17 pleadings, and an electronic copy sent to liaison counsel Doug Hofmann (e-mail:
18 dhofmann@wkg.com). Once such a request is made, it will not go into effect for
19 20 days from the date of the request.

20 d. Once a party designates a particular law firm for purposes of accepting service
21 on its behalf of hard copy pleadings, plaintiffs' fact sheet and plaintiffs' warning
22 letter, opposing parties must serve hard copies of those documents on that
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1 designated law firm (and service on another firm also representing the designating
2 party will not suffice).

3 e. If a party is responding to a motion, a response must also be served on the
4 counsel who filed the motion. Similarly, a reply to a motion must also be served
5 on the counsel who filed a response to the motion.

6 f. If there are multiple law firms representing a party, non-designated law firms
7 will receive notice of the filing of pleadings via the Electronic Case Filing System.

8 g. If a non-designated plaintiffs' law firm wants to receive electronic copies of any
9 plaintiffs' fact sheet and plaintiffs' fact sheet warning letter, it is the responsibility
10 of the non-designated law firm to make such a request and provide its e-mail
11 address to opposing counsel and defense co-liaison counsel Doug Hofmann (e-
12 mail: dhofmann@wkg.com). Once such notification is given, plaintiffs' fact sheet
13 and plaintiffs' fact sheet warning letter in a particular case will also be sent to the
14 plaintiffs' counsel requesting electronic notification.
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17 3. With regard to service of CMO 15 new individual complaints, plaintiffs must
18 serve new individual complaints on all defendants in the original multiple-plaintiffs
19 complaints (even if some of the defendants have been dropped from the lawsuit) so
20 defendants will be able to track whether they have been dropped from a lawsuit.

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22 4. This Order does not apply to service by plaintiffs' liaison counsel on plaintiffs
23 or their counsel, nor does it apply to service by defendants' liaison counsel on defendants
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1 or their counsel.

2 Dated this 21st day of January, 2004.

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4 HONORABLE BARBARA JACOBS ROTHSTEIN

5 Submitted by:

6 LANE POWELL SPEARS LUBERSKY LLP

7 By D. Joseph Hursdn

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Defendants

10 WILLIAMS, KASTNER & GIBBS PLLC

11 By Douglas A. Hofmann

12 Douglas A. Hofmann, WSBA No. 06393
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Defendants

14 LEVINSON FRIEDMAN

15 By Lance Palmer

16 Lance Palmer, WSBA No. 18141
17 Plaintiffs' Liaison Counsel

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SUPPLEMENTAL ORDER RE USE OF ELECTRONIC
FILING AND SERVICE OF PLEADINGS - 4

Case No. MDL 1407

019186.0028/957081v1

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